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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,300	02/26/2002	Naoki Tsuchitoi	03500.016242	2783
5514	7590	04/17/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2625	
DATE MAILED: 04/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/082,300	TSUCHITOI, NAOKI	
	<b>Examiner</b> Peter K. Huntsinger	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the amendment, the 35 USC § 101 rejections have been withdrawn.
2. In response to the amendment, the 35 USC § 112 rejections have been withdrawn.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claim 5 is objected to because of the following informalities: The term "judgement unit" is misspelled and should be replaced with the term "judgment unit". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2625

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5-9, 11, 15-19, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Arledge, Jr. et al. Patent 6,535,294.

Referring to claims 1, 11, and 21, Arledge, Jr. et al. disclose a printer controller for controlling printing of print data comprising: a storage unit to store the print data and authentication information corresponding to the print data (Information Database 220 of Fig. 2, col. 9, lines 59-67); an input unit adapted to enable a user to input authentication information to print the print data (Fig. 5, col. 13, lines 15-23); a display control unit adapted to, after the user inputs the authentication information, display a list of print data corresponding to the input authentication information on a display panel (Fig. 19, col. 19, lines 1-13); a selection unit adapted to enable the user to select at least one print data from the list of print data displayed on the display panel (col. 19, lines 11-13); and a control unit adapted to control the printing of the selected print data to be performed after confirming that a print charge for printing the print data selected by the user is paid (col. 21, lines 15-32).

Referring to claims 5 and 15, Arledge, Jr. et al. disclose a judgment unit adapted to judge whether or not a predetermined period has passed after the print data is received by said print controller, and a deletion unit adapted to delete the print data, if said judgment units judges that the predetermined period has passed after the print data is received by said print controller (col. 21, lines 25-33).

Referring to claims 6, 16, and 22, Arledge, Jr. et al. disclose a printer controller that can communicate with an information processing apparatus for storing print data

and authentication information corresponding to the print data, comprising: an input unit adapted to enable a user to input the authentication information to print the print data (Fig. 5, col. 13, lines 15-23); an acquisition unit adapted to transmit the authentication information input by the user to the information processing apparatus and to acquire information identifying the print data corresponding to the input authentication information from the information processing apparatus (Fig. 5, col. 13, lines 15-23); a display unit adapted to, after the user inputs the authentication information, display a list of print data corresponding to the input authentication information on a display panel in accordance with the information acquired by said acquisition unit (Fig. 19, col. 19, lines 1-13); a selection unit adapted to enable the user to select at least one print data from the list of print data displayed on the display panel (col. 19, lines 11-13); a data acquisition unit adapted to acquire the print data selected by the user from the information processing apparatus (col. 21, lines 47-57); and a control unit adapted to control the printing of the print data acquired by said data acquisition unit to be performed after confirming that a print charge for printing the print data selected by the user is paid (col. 21, lines 15-32).

Referring to claims 7 and 17, Arledge, Jr. et al. disclose wherein said data acquisition unit requests the selected print data of said information processing apparatus after confirming that the print charge for printing the print data selected by the user is paid (col. 21, lines 47-57).

Referring to claims 8 and 18, Arledge, Jr. et al. disclose wherein said acquisition means acquires the information indicating a name given to the print data corresponding to the input authentication information (col. 13, lines 15-23).

Referring to claims 9 and 19, Arledge, Jr. et al. disclose wherein said data acquisition means receives the selected print data from said information processing apparatus by transmitting the information indicating the selected print data to said information processing apparatus (col. 19, lines 1-13).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arledge, Jr. et al. Patent 6,535,294 as applied to claims 1 above, and further in view of Mori Patent 6,089,765.

Referring to claims 2 and 12, Arledge, Jr. et al. disclose print data stored in said storage unit, but do not disclose expressly assigning the print data a priority level. Mori discloses wherein each print data stored in a storage unit is given a priority level, a printer controller further comprising a deletion unit adapted to delete one of the stored print data which is given a low priority level upon detecting that said storage means cannot store the print data anymore (col. 4-5, lines 66-67, 1-10). Arledge, Jr. et al. and

Mori are combinable because they are from the same field of printing systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to assign a priority level to stored data. The motivation for doing so would have been to delete data that is less important when a storage unit is full. Therefore, it would have been obvious to combine Mori with Arledge, Jr. et al. to obtain the invention as specified in claims 2 and 12.

Referring to claims 3 and 13, Mori discloses wherein the print data which is given the low priority level means the print data which was received earlier than any other print data received by said printer controller (col. 4-5, lines 66-67, 1-10).

9. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arledge, Jr. et al. Patent 6,535,294 and Mori Patent 6,089,765 as applied to claims 2 and 12 and above, and further in view of Reifman et al. Patent 5,438,433.

Referring to claims 4 and 14, Mori discloses a deletion unit adapted to delete print data, but does not disclose expressly notifying a destination address when print data is deleted. Reifman et al. disclose notification means for notifying a destination address set up when an error occurs (col. 73, lines 64-67). Arledge, Jr. et al. in view of Mori are combinable with Reifman et al. because they are from the same field of printing systems. At the time of the invention, it would have been obvious to one of ordinary skill in the art to notifying a destination address when the print data is breached. The motivation for doing so would have been to alert the user when print data is no longer stored and available for printing. Therefore, it would have been obvious to combine

Reifman et al. with Arledge, Jr. et al. to obtain the invention as specified in claims 4 and 14.

10. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arledge, Jr. et al. Patent 6,535,294 as applied to claims 6 and 16 above, and further in view of Taniguchi et al. Patent 6,348,972.

Referring to claims 10 and 20, Arledge, Jr. et al. disclose printing the print data acquired by said data acquisition unit, but do not disclose expressly deleting the acquired print data after printing. Taniguchi et al. disclose deleting print data after printing (S615 of Fig. 6, col. 7, lines 49-52). Arledge, Jr. et al. and Taniguchi et al. are combinable because they are from the same field of printing systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to delete print data after printing. The motivation for doing so would have been to clear memory space by deleting data that is no longer needed. Therefore, it would have been obvious to combine Taniguchi et al. with Arledge, Jr. et al. to obtain the invention as specified in claims 10 and 20.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PKH

  


KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER